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EXAMINER
WIENER, ERIC A

ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 January 2008_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4,8-15,19 and 20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4, 8-15, 19, and 20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Amendment filed on

1/17/2008.

   This action is made final.

2.   Claims 1 – 4, 8 – 15, 19, and 20 are pending in the case. Claims 1, 10, and 12 are the

independent claims. Claims 1, 10, and 12 are the amended claims. Claims 5 – 7 and 16 – 18 have

been cancelled. Claims 1 – 4, 8 – 15, 19, and 20 have been rejected.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   *This application currently names joint inventors. In considering patentability of the*

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 1 – 4, 8 – 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (US 6,366,302 B1) in view of Ogawa et al. (US 6,529,218 B2).

As per independent claims 1 and 12, Crosby discloses *a method for indicating that a content page is scrollable* (column 3, lines 39 – 40) *as well as a computer-readable storage having stored thereon a computer program having a plurality of code sections, said code sections executable by a computer for causing the computer to perform the steps of said method* (column 4, lines 10 – 15)*, said steps comprising:*

-       *displaying <u>at least a portion of</u> a content page within a display area of a graphical user interface (GUI)<u>, wherein said displayed portion of said content page occupies all of said display area</u>* (column 5, lines 7 – 19 and column 6, lines 8 – 20)*;*

-       *determining <u>whether</u> the displayed content page is scrollable in at least one direction* (column 5, lines 7 – 19 and column 6, lines 8 – 20)*;*

-       *and responsive to said determination, displaying at least one flyover within said display area to indicate said at least one direction that said <u>displayed</u> content page is scrollable, wherein said at least one displayed flyover is a GUI object independent of said displayed content page<u>, wherein said at least one displayed flyover overlaps a portion of said displayed portion of said content page, and wherein said at least one displayed flyover is configured to occlude the overlapped portion of said displayed portion of said content page</u>* (column 5,

lines 61 – 67 and column 6, lines 8 – 20), where the examiner has interpreted

the "dynamic scroll indicator" to be sufficiently function as a "flyover;"

However, Crosby does not explicitly disclose detecting an occurrence of a scroll event,

and, responsive to said detection, discontinuing said display of said at least one flyover.

Nevertheless, in an analogous art, Ogawa discloses *detecting an occurrence of a scroll*

event, and, responsive to said detection, discontinuing the display of at least one flyover (column

1, lines 10 – 13, 49 – 53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to incorporate the teaching of Ogawa into the method and computer-readable storage

of Crosby to develop a method and computer-readable storage for providing an indication that a

content page is scrollable and closing said indication in response to a scroll event. The

modification would have been obvious, because operating scrolling mechanisms in a graphical

user interface can be complex for people unfamiliar with such interfaces. Thus, it is well known

in the art that there is a need for providing a user interface that allows a user to be aware of all of

the possible input options that are available at a specific time (Crosby, column 2, lines 1 – 3).

The examiner has interpreted the ability to move auxiliary information so as not to hide a

newly appearing image to include the ability of moving said auxiliary information off the screen,

thus performing the operation of closing said auxiliary information. In addition, because one step

of hiding the auxiliary information is already to initially delete said auxiliary information

(column 7, lines 9 – 14), it would be obvious that when attempting to not hide newly appearing

images, one possible option would be to close said auxiliary information, thus not only serving to

not hide newly appearing information, but also serving to not hide **any** information. This would be an obvious ability that one of ordinary skill in the art designing the invention would include.

As per claims **2 and 13**, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a vertical direction, displaying a vertical flyover* (column 6, lines 8 – 18). The examiner has interpreted the fact that the dynamic scroll indicator can be presented at different locations and also has "multiple appearances" depending upon what portions of the page are currently displayed to sufficiently function as displaying a vertical appearance if the page is vertically scrollable.

As per claims **3 and 14**, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a horizontal direction, displaying a horizontal flyover* (column 6, lines 8 – 18). The examiner has interpreted the fact that the dynamic scroll indicator can be presented at different locations and also has "multiple appearances" depending upon what portions of the page are currently displayed to sufficiently function as displaying a horizontal appearance if the page is horizontally scrollable.

As per claims **4 and 15**, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses *scrolling said displayed content page in said at least one scrollable direction* (column 6, lines 50 – 52)*, wherein a position of said at least one flyover remains fixed during said scrolling step*

(column 5, lines 63 – 65). The examiner has determined the fact that the dynamic scroll indicator is presented in one position throughout the illustrated embodiment sufficiently discloses that the position of said indicator is able to remain fixed while scrolling.

   As per claims 8 and 19, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *at least one among an appearance, a position, and a behavior of said at least one flyover is customized using a configuration editor* (column 2, lines 37 – 44 and column 12, line 50 – column 13, line 20), wherein it has been interpreted that the flyover's behavior, position, and appearance are all affected in a customized fashion according to use of the editor.

   As per claims 9 and 20, Crosby and Ogawa sufficiently disclose the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said at least one flyover is implemented on an operating system level as a generic GUI object* (column 5, lines 7 – 9, 61 – 63), where the examiner has interpreted the fact that the dynamic scroll indicator is implemented on the display controlled by the graphical user interface as being sufficiently function as said indicator being implemented as a generic object of the graphical user interface on the operating system.

   As per claim 10, Crosby discloses *a system for indicating in a display area of graphical user interface (GUI) that a content page is scrollable* (column 5, lines 30 – 31) *comprising:*

   -         *means for displaying <u>at least a portion of</u> said content page within said display area <u>of said (GUI), wherein said displayed portion of said content page occupies all of said display area</u>* (column 5, lines 7 – 19 and column 6, lines 8 –

20), where the means for displaying is the display of the system (Abstract, line

1);

-       *means for determining* <u>*whether*</u> *the displayed content page is scrollable in at*

least one direction (column 5, lines 7 – 19 and column 6, lines 8 – 20), where

the means for determining is the software program stored in the memory of the

system;

-       *and means for displaying at least one flyover within said display area*

responsive to said determination, wherein said at least one flyover indicates at

least one direction that said <u>*displayed*</u> *content page is scrollable, wherein said*

at least one displayed flyover is a GUI object independent of said displayed

content page<u>*, wherein said at least one displayed flyover overlaps a portion of*</u>

<u>*said displayed portion of said content page, and wherein said at least one*</u>

<u>*displayed flyover is configured to occlude the overlapped portion of said*</u>

<u>*displayed portion of said content page*</u> (column 5, lines 7 – 9, 61 – 67 and

column 6, lines 8 – 20), where the examiner has interpreted the "dynamic scroll

indicator" to be sufficiently function as a "flyover" and has also interpreted the

fact that the dynamic scroll indicator is implemented on the display controlled

by the graphical user interface as being sufficiently function as said indicator

being implemented as a generic object of the graphical user interface on the

operating system, and where the means for displaying is the display of the

system (Abstract, line 1).

However, Crosby does not explicitly disclose a means for detecting an occurrence of a scroll event, and, responsive to said detection, a means for discontinuing said display of said at least one flyover.

Nevertheless, in an analogous art, Ogawa discloses *a means for detecting an occurrence of a scroll event, and, responsive to said detection, a means for discontinuing said display of said at least one flyover* (column 1, lines 10 – 16, 49 – 53). The means for detecting and discontinuing is the computer readable storage medium upon which the display control program is stored.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ogawa into the system of Crosby to develop a system for providing an indication that a content page is scrollable and closing said indication in response to a scroll event. The modification would have been obvious for the same reasons as disclosed in the rejection of claims 1 and 12, *supra.*

As per claim 11, Crosby and Ogawa sufficiently disclose the system of claim 10. In addition, Crosby further discloses *said flyover is implemented within an operating system specifically designed for a mobile computing device, wherein said mobile computing device comprises at least one of a personal data assistant* (column 1, lines 15 – 20) *and a cellular telephone* (Abstract, lines 1 – 6).

Response to Arguments

6.   Applicant's arguments filed on 1/17/2008 have been fully considered, but they are not persuasive.

7.   The Applicant has argued that Crosby fails to disclose or suggest "the use of a flyover that occludes an overlapped portion of the content page."

        The Examiner respectfully disagrees. It has been interpreted that overlapping a portion of something also serves to occlude that portion.

8.   The Applicant has argued that Crosby fails to disclose or suggest "that a dynamic scroll indicator can be placed within the display area of the content page and overlapping the content."

        In response to this argument, it is noted that the features upon which applicant relies (i.e., "overlapping *the content*") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9.   The Applicant has argued that Crosby fails to disclose or suggest "a menu for configuring the interface itself" or "any type of interface for configuring the disclosed dynamic scroll indicators."

        In response to this argument, it is noted that the features upon which applicant relies (i.e., "a menu for configuring," "interface for configuring") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

10.   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

11.   The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

        Particular art of importance pertains to US Patent No. 6,300,967B1 issued to Wagner et al., wherein it is disclosed that there is a need for a scrolling mechanism that consistently provides instructional feedback, which would include the ability to hide feedback during certain situations so as to not confuse the user or hinder their ability to scroll efficiently (Wagner; US 6,300,967 B1; column 2, lines 41 – 46).

12.   Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric A Wiener/
Examiner, Art Unit 2179